



AGENDA BILL APPROVAL FORM

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| Agenda Subject: Ordinance No. 6248 for Final Plat Application No. PLT08-0015 | | Date: May 26, 2009 |
| Department: Planning, Building and Community | Attachments: Ordinance No. 6248 and See Exhibit list below | Budget Impact: N/A |

Administrative Recommendation:

City Council introduce and adopt Ordinance No. 6248.

Background Summary:

Schneider Homes, applicant, made application to King County in July 2007 for the Final Plat of "Bristol Knoll" (County file no. L07FR038). The City of Auburn has assigned this project a file no. of PLT08-0015 for record keeping purposes. Bristol Knoll received preliminary plat approval from King County for the subdivision of a 3.59-acre site into 14 single-family lots (County file no. L97P0026). The subdivision request also includes three tracts for access (Tract C), storm drainage (Tract A), and recreation (Tract B). The property is located west of the intersection of 64th Avenue South and 65th Avenue South, and South of South 296th Street within the portion of West Hill annexed January 1, 2008 (King County parcels #0221049187 and 0221049229).

The King County Hearing Examiner approved the preliminary plat on September 29, 2004. The plat has been developed in accordance with King County R-4 (four du/acre) zoning standards as well as storm, road, and all other King County regulations. The subject property is within the Lakehaven Utility District so there was not an annexation utility agreement between the City and the applicant on this project as the City is not the utility provider.

In accordance with Resolution No. 4113, Exhibit B of the interlocal agreement between the City of Auburn and King County with regard to final plat applications, states that King County staff will review the application and the City of Auburn is the decision maker, further detailed by the following:

L1006-1
O3.5 PLT08-0015

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| <p>Reviewed by Council & Committees:</p> <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input type="checkbox"/> Arts Commission <input type="checkbox"/> Airport <input type="checkbox"/> Hearing Examiner <input type="checkbox"/> Human Services <input type="checkbox"/> Park Board <input type="checkbox"/> Planning Comm. </div> <div style="width: 45%;"> <p>COUNCIL COMMITTEES:</p> <input type="checkbox"/> Finance <input type="checkbox"/> Municipal Serv. <input type="checkbox"/> Planning & CD <input type="checkbox"/> Public Works <input type="checkbox"/> Other _____ </div> </div> | <p>Reviewed by Departments & Divisions:</p> <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input type="checkbox"/> Building <input type="checkbox"/> Cemetery <input type="checkbox"/> Finance <input type="checkbox"/> Fire <input checked="" type="checkbox"/> Legal <input checked="" type="checkbox"/> Public Works <input type="checkbox"/> Information Services </div> <div style="width: 45%;"> <input type="checkbox"/> M&O <input type="checkbox"/> Mayor <input type="checkbox"/> Parks <input checked="" type="checkbox"/> Planning <input type="checkbox"/> Police <input type="checkbox"/> Human Resources </div> </div> |
|--|--|

Action:

Committee Approval: ☐ Yes ☐ No
 Council Approval: ☐ Yes ☐ No Call for Public Hearing ____/____/____
 Referred to _____ Until ____/____/____
 Tabled _____ Until ____/____/____

Councilmember: Norman
Meeting Date: June 1, 2009

Staff: Baker
Item Number: VIII.A.4

"2.5 For those subdivisions and short subdivisions that have been granted preliminary approval prior to incorporation or annexation or under Section 2.4, the County shall continue its review through engineering plan approval, final plat or short plat approval, and construction inspection approval phases. For each of these post-preliminary review phases, the County shall prepare a recommendation for the City's designated decision maker. All final decisions on any of the post-preliminary review phases shall be rendered by the City. At the request of the City, County staff shall appear before the City Council to discuss analysis set forth in the County's final plat approval recommendation."

The final plat application for Bristol Knoll is vested to and therefore required to meet King County standards. King County staff has notified the City of Auburn that the final plat of Bristol Knoll has met all applicable regulations and conditions of approval and recommends the final plat be approved and signed by the City. Ordinance No. 6248 approves the final plat of Bristol Knoll.

Attached are the following Exhibits:

- Exhibit 1 - Office of the Hearing Examiner King County, WA report and decision (approving the preliminary plat), dated September 29, 2004
- Exhibit 2 - Final Plat Map (3 sheets)

ORDINANCE NO. 6 2 4 8

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, APPROVING THE FINAL PLAT OF BRISTOL KNOLL

WHEREAS, the Plat of Bristol Knoll, Application No. PLT08-0015, was filed with King County, Washington, while it was unincorporated territory in the County, prior to the premise being annexed into the City of Auburn; and

WHEREAS, the premises of the Plat of Bristol Knoll was annexed into the City of Auburn, effective January 1, 2008; and

WHEREAS, in connection with the annexation, the City and King County entered into an Interlocal Agreement whereby the two jurisdictions identified a cooperative process for handling pending plat activity; and

WHEREAS, in accordance with that cooperative process, the City of Auburn received a recommendation of approval from King County on the final plat application for the Plat of Bristol Knoll, Application No. PLT08-0015, the final approval of which is appropriate for City Council action; and

WHEREAS, based on the review given this Plat by the City, the City Council hereby makes and enters the following:

FINDINGS OF FACT

1. Schneider Homes has requested final plat approval of Bristol Knoll from King County in July 2007 and all applicable conditions have been met.
2. The preliminary plat was approved by King County Hearing Examiner on September 29, 2004. The plat has been developed in accordance with the King County R-4 zoning standards and all other applicable King County regulations.

3. The City of Auburn annexed the subject properties on January 1, 2008.

4. In accordance with Resolution No. 4113, Section 2.5 of Exhibit B of the interlocal agreement between the City of Auburn and King County,

“For those subdivisions and short subdivisions that have been granted preliminary approval prior to incorporation or annexation or under Section 2.4, the County shall continue its review through engineering plan approval, final plat or short plat approval, and construction inspection approval phases. For each of these post-preliminary review phases, the County shall prepare a recommendation for the City’s designated decision maker. All final decisions on any of the post-preliminary review phases shall be rendered by the City. At the request of the City, County staff shall appear before the City Council to discuss analysis set forth in the County’s final plat approval recommendation.”

5. The Final Plat application for Bristol Knoll is vested to and therefore required to meet King County standards.

6. King County staff has notified the City of Auburn that the final plat of Bristol Knoll has met all applicable regulations and conditions of approval and recommends the final plat be approved and signed by the City.

CONCLUSIONS OF LAW

1. The Final Plat is in compliance and in conformity with applicable King County Zoning and Land Division Ordinances and other applicable land use controls.

2. It is appropriate that the Final Plat be approved.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF WASHINGTON, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Approval. Bristol Knoll, a subdivision involving property located within the City of Auburn, Washington, which plat is legally described on Sheet 1 of the Final Plat and as set forth below:

PARCEL “A”
THE SOUTH HALF OF THE NORTH HALF OF THE NORTHWEST
QUARTER OF THE SOUTHEAST QUARTER OF SECTION 2,

TOWNSHIP 21 NORTH, RANGE 4 EAST, W.M. IN KING COUNTY,
WASHINGTON.

EXCEPT THE WESTERLY 792 FEET;
AND EXCEPT THE EASTERLY 30 FEET FOR COUNTY ROAD;
AND EXCEPT THE NORTHERLY 20 FEET.

PARCEL "B"

THE NORTH 20 FEET OF THE SOUTH HALF OF THE NORTH HALF OF
THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF
SECTION 2, TOWNSHIP 21 NORTH, RANGE 4 EAST, W.M., IN KING
COUNTY, WASHINGTON.

EXCEPT THE WESTERLY 792 FEET;
AND EXCEPT THE EASTERLY 30 FEET FOR COUNTY ROAD.

is hereby approved, and deemed to conform to the applicable requirements for
Plat approval.

Section 2. Constitutionality or Invalidity. If any section, subsection
clause or phrase of this Ordinance is for any reason held to be invalid or
unconstitutional such invalidity or unconstitutionality shall not affect the validity or
constitutionality of the remaining portions of this Ordinance, as it is being hereby
expressly declared that this Ordinance and each section, subsection, sentence,
clause and phrase hereof would have been prepared, proposed adopted and
approved and ratified irrespective of the fact that nay one or more section,
subsection, sentence, clause or phrase be declared invalid or unconstitutional.

Section 3. Recordation. Upon the passage, approval and publication of
this Ordinance as provided by law, the City Clerk of the City of Auburn shall
cause this Ordinance to be recorded in the office of the King County Records,
Elections, and Licensing Services Division.

Section 4. Implementation. The Mayor is hereby authorized to implement such administrative procedures as may be necessary to carry out the directions of this legislation.

Section 5. Effective Date. This ordinance shall take effect and be in force five (5) days from and after its passage, approval and publication, as provided by law.

INTRODUCED: _____

PASSED: _____

APPROVED: _____

CITY OF AUBURN

PETER B. LEWIS
MAYOR

ATTEST:

Danielle E. Daskam,
City Clerk

APPROVED AS TO FORM:



Daniel B. Heid,
City Attorney

Published: _____

September 29, 2004

**OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON**
400 Yesler Way, Room 404
Seattle, Washington 98104
Telephone (206) 296-4660
Facsimile (206) 296-1654

Exhibit 1
Number of Pages 9

REPORT AND DECISION

SUBJECT: Department of Development and Environmental Services File No. L97P0026
Proposed Ordinance no. 2004-0408

BRISTOL KNOLL
Preliminary Plat Application

Location: West of the intersection of 64th Avenue South and 65th Avenue South,
South of South 296th Street

Applicant: Southey & Associates,
represented by James Jaeger
Jaeger Engineering
9419 South 204th Place
Kent, Washington 98031
Telephone: (253) 850-0934

King County: Department of Development and Environmental Services,
represented by Kim Claussen and Bruce Whittaker
900 Oakesdale Avenue Southwest
Renton, Washington 98055-1219
Telephone: (206) 296-7167 and 296-7211
Facsimile: (206) 296-7051

SUMMARY OF DECISION/RECOMMENDATION:

Department's Preliminary Recommendation:

Department's Final Recommendation:

Examiner's Decision:

Approve, subject to conditions

Approve, subject to conditions

Approve, subject to conditions

EXAMINER PROCEEDINGS:

Hearing Opened:

Hearing Closed:

September 28, 2004

September 28, 2004

Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes.

A verbatim recording of the hearing is available in the office of the King County Hearing Examiner.

FINDINGS, CONCLUSIONS & DECISION: Having reviewed the record in this matter, the Examiner now makes and enters the following:

FINDINGS:

1. General Information:

Owner/Developer: Nigel Southey
Southey & Associates
13527 SE 250th Street
Kent, WA 98042
(206) 631-9688

Engineer: Jaeger Engineering
9419 South 204th Place
Kent, WA 98031
253-850-0934

STR: 2-21-4

Location: The site is located west of the intersection of 64th Avenue South and 65th Avenue South, south of South 296th Street

Zoning: R-4
Acreage: 3.59 acres
Number of Lots: 14 lots
Density: 3.9 units per acre
Lot Size: Ranges from approximately 5,500 to 9,100 sq. feet
Proposed Use: Single family detached dwellings
Sewage Disposal: Lakehaven Utility District
Water Supply: Lakehaven Utility District
Fire District: King County Fire District #39
School District: Federal Way
Complete Application Date: January 15, 1998

2. Except as modified herein, the facts set forth in the King County Land Use Services Division's preliminary report to the King County Hearing Examiner for the September 28, 2004, public hearing are found to be correct and are incorporated herein by reference. The LUSD staff recommends approval of the application, subject to conditions.
3. Southey and Associates have filed a preliminary plat application to subdivide 3.59 acres into 14 lots for single-family residential development. This is the revival of a plat application that was previously approved under file no. S90P0073 and for which preliminary approval was allowed to lapse. The property is located in a residential neighborhood that lies on the southern upland rim overlooking the Green River valley.

4. Development in this area is constrained by a marginal road system and chronic flooding problems downstream within the Green River valley. The Bristol Knoll property has access east to 64th Avenue South, which comprises a switchback segment within the South 296th Street collector arterial that meanders downhill east to the West Valley Highway. In order for plat traffic to access the collector arterial, a road variance for intersection spacing and entering site distance needed to be obtained, the approval of which was made contingent upon installing a center left turn and storage lane on 64th Avenue South opposite the plat entrance.
5. The site drains to tributary 0053, which descends from the upland plateau to the river valley within a steep erosional class 3 stream channel that at the bottom fans out across the valley floor. It is then intercepted by a series of agricultural drainage ditches that generally transport flows east to Mill Creek. These old agricultural ditches have been chronically impacted by sedimentation and other blockages as well as very low gradients that impaired their conveyance function. In major storm events this combination of factors has resulted in extensive flooding of properties to the north along South 287th Street. DDES staff reports that neighborhood property owners have recently cleaned out the principal tributary 0053 east-west ditch, significantly improving its conveyance function. In addition, the City of Auburn is in the preliminary stages of review for a proposed new industrial park encompassing many of the properties along this east-west channel system. This project, if constructed, can be expected to install further drainage conveyance improvements to serve this area. The recent ditch maintenance combined with the small size of the Bristol Knoll property and detention of its flows to the restrictive level 3 standard should assure that runoff from this development will not significantly contribute to a worsening of the region-wide Green River valley drainage problems.

CONCLUSIONS:

1. If approved subject to the conditions imposed below, the proposed subdivision makes appropriate provision for the public health, safety and welfare; serves the public use and interest; and meets the requirements of RCW 58.17.110.
2. The conditions of approval imposed herein, including dedications and easements, will provide improvements that promote legitimate public purposes, are necessary to serve the subdivision and are proportional to its impacts; are required to make the proposed plat reasonably compatible with the environment; and will carry out applicable state laws and regulations and the laws, policies and objectives of King County.

DECISION:

The preliminary plat application for Bristol Knoll as revised and received on February 15, 2004, is approved subject to the following conditions of final plat approval:

1. Compliance with all platting provisions of Title 19A of the King County Code.
2. All persons having an ownership interest in the subject property shall sign on the face of the final plat a dedication that includes the language set forth in King County Council Motion No. 5952.

3. The plat shall comply with the base density and minimum density requirements of the R-4 zone classification. All lots shall meet the minimum dimensional requirements of the R-4 zone classification or shall be shown on the face of the approved preliminary plat, whichever is larger, except that minor revisions to the plat which do not result in substantial changes may be approved at the discretion of the Department of Development and Environment Services.

All plat boundary discrepancies shall be resolved to the satisfaction of DDES prior to the submittal of the final plat documents. As used in this condition, "discrepancy" is a boundary hiatus, an overlapping boundary or a physical appurtenance which indicates an encroachment, lines of possession or a conflict of title.
4. All construction and upgrading of public and private roads shall be done in accordance with the King County Road Standards established and adopted by Ordinance No. 11187, as amended (1993 KCRS).
5. The applicant must obtain the approval of the King County Fire Protection Engineer certifying the adequacy of the fire hydrant, water main, and fire flow to meet the standards of Chapter 17.08 of the King County Code.
6. Final plat approval shall require full compliance with the drainage provisions set forth in King County Code 9.04. Compliance may result in reducing the number and/or location of lots as shown on the preliminary approved plat. Preliminary review has identified the following conditions of approval which represent portions of the drainage requirements. All other applicable requirements in K.C.C. 9.04 and the Surface Water Design Manual (SWDM) must also be satisfied during engineering and final review.
 - a. Drainage plans and analysis shall comply with the 1998 King County Surface Water Design Manual and applicable updates adopted by King County. DDES approval of the drainage and roadway plans is required prior to any construction.
 - b. Current standard plan notes and ESC notes, as established by DDES Engineering Review, shall be shown on the engineering plans.
 - c. The following note shall be shown on the final recorded plat:

"All building downspouts, footing drains, and drains from all impervious surfaces such as patios and driveways shall be connected to the permanent storm drain outlet as shown on the approved construction drawings #P-417C on file with DDES and/or the King County Department of Transportation. This plan shall be submitted with the application of any building permit. All connections of the drains must be constructed and approved prior to the final building inspection approval. For those lots that are designated for individual lot infiltration systems, the systems shall be constructed at the time of the building permit and shall comply with plans on file."

7. The drainage facilities shall be designed in accordance with the 1998 King County Surface Water Design Manual(KCSWDM) and the Level 3 flow control requirement.(see also the M.D.N.S. issued August 27, 2004).
8. A road variance (L03V0022) is approved for this site. All conditions of approval for this adjustment shall be incorporated into the engineering plans.
9. The following road improvements are required to be constructed according to the 1993 King County Road Standards (KCRS):
 - a. South 297th Place shall be improved to the urban ½ street standard. 63rd Place South shall be improved to the urban minor access street standard with a permanent cul-de-sac at the south end.
 - b. FRONTAGE: The frontage of the site along 64th Ave. South (west side only) shall be improved to the urban collector arterial standard with provisions for a bike lane. The frontage improvement shall also meet the conditions of approval for road variance L03V0022.
 - c. Tract C shall be a minimum 26-feet wide and improved as a private access tract per Section 2.09 of the KCRS. This tract shall be owned and maintained by the lot owners served. Notes to this effect shall be shown on the engineering plans and on the final plat map.
 - d. Tract D shall be a minimum 20 feet wide and improved as a joint use driveway per Section 3.01 of the KCRS. This tract shall be owned and maintained by the lot owners served. Notes to this effect shall be shown on the final plat map.
 - e. Modifications to the above road conditions may be considered according to the variance provisions in Section 1.08 of the KCRS.
10. All utilities within proposed rights-of-way must be included within a franchise approved by the King County Council prior to final plat recording.
11. The applicant or subsequent owner shall comply with King County Code 14.75, Mitigation Payment System (MPS), by paying the required MPS fee and administration fee as determined by the applicable fee ordinance. The applicant has the option to either: (1) pay the MPS fee at the final plat recording, or (2) pay the MPS fee at the time of building permit issuance. If the first option is chosen, the fee paid shall be the fee in effect at the time of plat application and a note shall be placed on the face of the plat that reads, "All fees required by King County Code 14.75, Mitigation Payment System (MPS), have been paid." If the second option is chosen, the fee paid shall be the amount in effect as of the date of building permit application.
12. Lots within this subdivision are subject to King County Code 21A.43, which imposes impact fees to fund school system improvements needed to serve new development. As a condition of final approval, fifty percent (50%) of the impact fees due for the plat shall be assessed and collected immediately prior to the recording, using the fee schedules in effect when the plat receives final

approval. The balance of the assessed fee shall be allocated evenly to the dwelling units in the plat and shall be collected prior to building permit issuance.

13. There shall be no direct vehicular access to or from 64th Ave South from those lots which abut it. A note to this effect shall appear on the engineering plans and the final plat.
14. The plant islands (if any) within the cul-de-sacs shall be maintained by the abutting lot owners or homeowners association. This shall be stated on the final plat.
15. Suitable recreation space shall be provided consistent with the requirements of K.C.C. 21A.14.180 and K.C.C. 21A. 14.190 (i.e., sport court[s], children's play equipment, picnic table[s], benches, etc.). Tract B shall be revised to a more suitable size and location.
 - a. A detailed recreation space plan (i.e., location, area calculations, dimensions, landscape specs, equipment specs, etc.) shall be submitted for review and approval by DDES and King County Parks prior to or concurrent with the submittal of engineering plans.
 - b. A performance bond for recreation space improvements shall be posted prior to recording of the plat.
16. A homeowners' association or other workable organization shall be established to the satisfaction of DDES which provides for the ownership and continued maintenance of the recreation, open space and/or sensitive area tract(s).
17. Street trees shall be provided as follows (per KCRS 5.03 and K.C.C. 21A.16.050):
 - a. Trees shall be planted at a rate of one tree for every 40 feet of frontage along all roads. Spacing may be modified to accommodate sight distance requirements for driveways and intersections.
 - b. Trees shall be located within the street right-of-way and planted in accordance with Drawing No. 5-009 of the 1993 King County Road Standards, unless King County Department of Transportation determines that trees should not be located in the street right-of-way.
 - c. If King County determines that the required street trees should not be located within the right-of-way, they shall be located no more than 20 feet from the street right-of-way line.
 - d. The trees shall be owned and maintained by the abutting lot owners or the homeowners association or other workable organization unless the county has adopted a maintenance program. Ownership and maintenance shall be noted on the face of the final recorded plat.
 - e. The species of trees shall be approved by DDES if located within the right-of-way, and shall not include poplar, cottonwood, soft maples, gum, any fruit-bearing trees, or any other tree or shrub whose roots are likely to obstruct sanitary or storm sewers, or that is not compatible with overhead utility lines.

- f. The applicant shall submit a street tree plan and bond quantity sheet for review and approval by DDES prior to engineering plan approval.
- g. The applicant shall contact Metro Service Planning at (206) 684-1622 to determine if 64th Ave South is on a bus route. If so, the street tree plan shall also be reviewed by Metro.
- h. The street trees must be installed and inspected, or a performance bond posted prior to recording of the plat. If a performance bond is posted, the street trees must be installed and inspected within one year of recording of the plat. At the time of inspection, if the trees are found to be installed per the approved plan, a maintenance bond must be submitted or the performance bond replaced with a maintenance bond, and held for one year. After one year, the maintenance bond may be released after DDES has completed a second inspection and determined that the trees have been kept healthy and thriving.

A landscape inspection fee shall also be submitted prior to plat recording. The inspection fee is subject to change based on the current county fees.

ORDERED this 29th day of September, 2004.



Stafford L. Smith
King County Hearing Examiner

TRANSMITTED this 29th day of September, 2004, to the parties and interested persons of record:

Ty Amant
29230 - 59th Avenue South
Auburn WA 98001

Jim & Linda Gossler
6304 S. 298th Pl.
Auburn WA 98001

Mara Hyman
6430 South 287th Street
Kent WA 98032

David & Elizabeth Martin
612 S. 296th Ct.
Auburn WA 98001-3025

Kenneth Anderson
33310 - 11th Ave. SW
Federal Way WA 98023

George H. Howard
6358 S. 298th Pl.
Auburn WA 98001-3040

James J. Jaeger
Jaeger Engineering
9419 S. 204th Pl.
Kent WA 98031

Ben Minnick
6117 S. 296th Ct.
Auburn WA 98001

Barbara Bradshaw
30205 - 33rd Ave. SW
Federal Way WA 98023

Mary Hughs
6303 S. 298th Pl.
Auburn WA 98001

Steve Lunde
6346 S 298th Pl
Auburn WA 98001

Muckleshoot Indian Tribe
Attn: Erick Thompson
39015 - 172nd Ave SE
Auburn WA 98092

| | | |
|---|---|---|
| Thomas Nirschell 6223 South 287th Street Kent WA 98022 | Daniel J. Poortvliet 6500 S. 298th St. Auburn WA 98001 | John A. & Judy E. Sansom 29646 - 61st Ave. S. Auburn WA 98001 |
| Seattle KC Health Dept. E. Dist. Environ. Health 14350 SE Eastgate Way Bellevue WA 98007 | Nigel Southey 13521 SE 250th St. Kent WA 98042 | Leslie R. Sutton 29720 - 45th Ave. S. Auburn WA 98001 |
| Martin J. Wilhelm 29653 - 64th Ave. S. Auburn WA 98001 | Keith Woolley 5135 S. 289th Pl. Auburn WA 98001 | Kim Claussen DDES/LUSD Current Planning MS OAK-DE-0100 |
| Lisa Dinsmore DDES/LUSD MS OAK-DE-0100 | Nick Gillen DDES/LUSD Site Development Services MS OAK-DE-0100 | Kristen Langley DDES/LUSD Land Use Traffic MS OAK-DE-0100 |
| Carol Rogers DDES/LUSD MS OAK-DE-0100 | Steve Townsend DDES/LUSD Land Use Inspections MS OAK-DE-0100 | Larry West DDES/LUSD Geo Review MS OAK-DE-0100 |
| Bruce Whittaker DDES/LUSD Prel. Review Engineer MS OAK-DE-0100 | | |

In order to appeal the decision of the Examiner, written notice of appeal must be filed with the Clerk of the King County Council with a fee of \$250.00 (check payable to King County Office of Finance) *on or before October 13, 2004*. If a notice of appeal is filed, the original and six (6) copies of a written appeal statement specifying the basis for the appeal and argument in support of the appeal must be filed with the Clerk of the King County Council *on or before October 20, 2004*. Appeal statements may refer only to facts contained in the hearing record; new facts may not be presented on appeal.

Filing requires actual delivery to the Office of the Clerk of the Council, Room 1025, King County Courthouse, 516 3rd Avenue, Seattle, Washington 98104, prior to the close of business (4:30 p.m.) on the date due. Prior mailing is not sufficient if actual receipt by the Clerk does not occur within the applicable time period. The Examiner does not have authority to extend the time period unless the Office of the Clerk is not open on the specified closing date, in which event delivery prior to the close of business on the next business day is sufficient to meet the filing requirement.

If a written notice of appeal and filing fee are not filed within fourteen (14) calendar days of the date of this report, or if a written appeal statement and argument are not filed within twenty-one (21) calendar days of the date of this report, the decision of the hearing examiner contained herein shall be the final decision of King County without the need for further action by the Council.

MINUTES OF THE SEPTEMBER 28, 2004, PUBLIC HEARING ON DEPARTMENT OF DEVELOPMENT AND ENVIRONMENTAL SERVICES FILE NO. L97P0026.

Stafford L. Smith was the Hearing Examiner in this matter. Participating in the hearing were Kim Claussen, Bruce Whittaker and Kristen Langley, representing the Department; and James Jaeger and Nigel Southey representing the Applicant.

The following exhibits were offered and entered into the record:

- | | |
|----------------|--|
| Exhibit No. 1 | Department of Development and Environmental Services file no. L97P0026 |
| Exhibit No. 2 | DDES preliminary report for 9/28/04 |
| Exhibit No. 3 | Application dated 6/30/97 |
| Exhibit No. 4 | Environmental Checklist received 6/30/97 |
| Exhibit No. 5 | Mitigated Determination of Non-significance issued 8/27/04 |
| Exhibit No. 6 | Affidavit of Posting indicating a posting date of 1/29/98 and received by DDES on 2/02/98 |
| Exhibit No. 7 | Plat map dated 2/15/03 (revision) |
| Exhibit No. 8 | Conceptual Channelization Plan received 6/24/04 |
| Exhibit No. 9 | Assessors maps SE and NE 2-21-04 |
| Exhibit No. 10 | KCRS variance decision dated 4/05/04 for file no. L03V0022 |
| Exhibit No. 11 | Addendum to conceptual drainage report by Jaeger Engineering, dated 6/16/04 |
| Exhibit No. 12 | Conceptual drainage calculations by Jaeger Engineering, received 10/23/00 |
| Exhibit No. 13 | Letter from the Federal Way Public Schools dated 7/14/97 |
| Exhibit No. 14 | Hearing Examiner's 3/11/92 report for file no. S90P0073 (previous application) with cover memo |
| Exhibit No. 15 | Supplement Downstream Analysis Report for Meredith Business Park, dated 8/03/04 |

SLS:ms
L97P0026 RPT